

1 THE HONORABLE FRED VAN SICKLE  
2

3 F. MIKE SHAFFER, WSBA No. 18669  
4 BRADLEY B. JONES, WSBA NO. 17197  
5 KENNETH G. KIEFFER, WSBA No. 10850  
6 JOHN C. GUADNOLA, WSBA No. 08636  
7 GORDON THOMAS HONEYWELL LLP  
8 1201 Pacific Avenue, Suite 2100  
9 Tacoma WA 98402-4314  
10 253-620-6500

11 STEVE W. BERMAN, WSBA No. 12536  
12 TYLER S. WEAVER, WSBA No. 29413  
13 JENIPHR BRECKENRIDGE, WSBA No. 21410  
14 ERIN K. FLORY, WSBA No. 16631  
15 HAGENS BERMAN SOBOL SHAPIRO LLP  
16 1918 8<sup>th</sup> Avenue, Suite 3300  
17 Seattle, WA 98101  
18 206-623-7292  
19 Attorneys for Plaintiffs

20 UNITED STATES DISTRICT COURT  
21 EASTERN DISTRICT OF WASHINGTON

22 In re METROPOLITAN SECURITIES  
23 LITIGATION

24 NO. CV-04-025 FVS

25 CLASS ACTION

26 THIS DOCUMENT RELATES TO:  
ALL ACTIONS

PLAINTIFFS' MOTION */N LIMINE* TO  
PRECLUDE EVIDENCE AND  
ARGUMENT CONCERNING  
INDIVIDUALIZED ISSUES OF THE  
CLASS REPRESENTATIVES

Hearing Date: March 3, 2010  
9:00 a.m.

WITH ORAL ARGUMENT

Plaintiffs, by their undersigned counsel, move the Court for an Order  
granting Plaintiffs' Motion *In Limine* to Preclude Evidence Concerning

PLTFS' MOTION */N LIMINE* TO PRECLUDE EVIDENCE  
AND ARGUMENT CONCERNING INDIVIDUALIZED  
ISSUES OF THE CLASS REPRESENTATIVES - 1 of 5

(CV-04-025-FVS)

[1460656 v4.doc]

1 Individualized Issues of the Class Representatives. This motion is supported  
2 by the accompanying memorandum of law.

3 Dated this 16<sup>th</sup> day of February, 2010.  
4

5 **GORDON THOMAS HONEYWELL LLP**

6 By s/ Bradley B. Jones

7 F. Mike Shaffer, WSBA No. 18669  
8 Bradley B. Jones, WSBA No. 17197  
9 Kenneth G. Kieffer, WSBA No. 10850  
John C. Guadnola, WSBA No. 08636  
Attorneys for Plaintiffs

10 **HAGENS BERMAN SOBOL SHAPIRO LLP**

11 By s/ Steve W. Berman

12 Steve W. Berman, WSBA No. 12536  
13 Erin K. Flory, WSBA No. 16631  
Jeniphr Breckenridge, WSBA No. 21410  
Tyler S. Weaver, WSBA No. 29413  
Attorneys for Plaintiffs

14  
15  
16  
17  
18  
19  
20  
21 PLTFS' MOTION IN LIMINE TO PRECLUDE EVIDENCE  
22 AND ARGUMENT CONCERNING INDIVIDUALIZED  
23 ISSUES OF THE CLASS REPRESENTATIVES - 2 of 5  
24  
25  
26  
ISSUES OF THE CLASS REPRESENTATIVES - 2 of 5  
(CV-04-025-FVS)

[1460656 v4.doc]

## **CERTIFICATE OF SERVICE**

I hereby certify that on February 16, 2010, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system. The Court or the CM/ECF system will send notification of such filings to the CM/ECF participants listed below, and I will mail the same via U.S. Postal Service to the non-CM/ECF participant(s).

Alison Killen Blair at [ablair@orrick.com](mailto:ablair@orrick.com)  
Andrew K Polovin at [andrew.polovin@bartlit-beck.com](mailto:andrew.polovin@bartlit-beck.com);  
[anne.doyle@bartlit-beck.com](mailto:anne.doyle@bartlit-beck.com)  
Brian Charles Frontino at [bfrontino@stroock.com](mailto:bfrontino@stroock.com); [lacalendar@strooock.com](mailto:lacalendar@strooock.com)  
Brian D Buckley at [bbuckley@fenwick.com](mailto:bbuckley@fenwick.com); [doconnor@fenwick.com](mailto:doconnor@fenwick.com);  
[kroth@fenwick.com](mailto:kroth@fenwick.com)  
Carl J Oreskovich at [carl@ettermcMahon.com](mailto:carl@ettermcMahon.com); [roni@ettermcMahon.com](mailto:roni@ettermcMahon.com)  
Charles S Wright at [charleswright@dwt.com](mailto:charleswright@dwt.com); [brianspangler@dwt.com](mailto:brianspangler@dwt.com)  
Christopher Lind at [chris.lind@bartlit-beck.com](mailto:chris.lind@bartlit-beck.com); [anne.doyle@bartlit-beck.com](mailto:anne.doyle@bartlit-beck.com)  
Christopher D Landgraff at [chris.landgraff@barlit-beck.com](mailto:chris.landgraff@barlit-beck.com)  
Christopher G Emch at [emchc@foster.com](mailto:emchc@foster.com); [pateb@foster.com](mailto:pateb@foster.com)  
Daniel F Shea at [dfshea@hhlaw.com](mailto:dfshea@hhlaw.com)  
Darrell W Scott at [scottgroup@mac.com](mailto:scottgroup@mac.com); [ssimatos@mac.com](mailto:ssimatos@mac.com)  
David D Hoff at [dhoff@tousley.com](mailto:dhoff@tousley.com); [btaylor@tousley.com](mailto:btaylor@tousley.com)  
Diana Lynn Weiss at [dlweiss@kslaw.com](mailto:dlweiss@kslaw.com)  
E Joseph Giometti at [jgiometti@orrick.com](mailto:jgiometti@orrick.com); [jcopoulos@orrick.com](mailto:jcopoulos@orrick.com);  
[pbenetz@orrick.com](mailto:pbenetz@orrick.com)  
Earl M Sutherland at [esutherland@rmlaw.com](mailto:esutherland@rmlaw.com); [jlading@rmlaw.com](mailto:jlading@rmlaw.com)  
Elizabeth J Cabraser at [ecabraser@lchb.com](mailto:ecabraser@lchb.com)  
Erin K Flory at [erin@hbsslaw.com](mailto:erin@hbsslaw.com); [jon@hbsslaw.com](mailto:jon@hbsslaw.com)  
Fabrice Vincent at [fvincent@lchb.com](mailto:fvincent@lchb.com); [dclevenger@lchb.com](mailto:dclevenger@lchb.com)  
Gary I Grenley at [ggrenley@grebb.com](mailto:ggrenley@grebb.com)  
George S Azadian at [gazadian@stroock.com](mailto:gazadian@stroock.com); [cdusi@stroock.com](mailto:cdusi@stroock.com)  
J Scott McBride at [scott.mcbride@barlit-beck.com](mailto:scott.mcbride@barlit-beck.com)  
James Bernard King at [jking@ecl-law.com](mailto:jking@ecl-law.com); [kschulman@ecl-law.com](mailto:kschulman@ecl-law.com)  
James K Barbee at [jim@golbeckroth.com](mailto:jim@golbeckroth.com)

**PLTFS' MOTION IN LIMINE TO PRECLUDE EVIDENCE  
AND ARGUMENT CONCERNING INDIVIDUALIZED  
ISSUES OF THE CLASS REPRESENTATIVES - 3 of 5**

(CV-04-025-FVS)

[1460656 v4.doc]

1 James M Shaker at [shaker@ryanlaw.com](mailto:shaker@ryanlaw.com); [callahan@ryanlaw.com](mailto:callahan@ryanlaw.com)  
 2 James P Cusick at [jcusick@kslaw.com](mailto:jcusick@kslaw.com)  
 3 James P McNeill, III at [mcnej@foster.com](mailto:mcnej@foster.com)  
 4 Jeffrey S Miller at [milje@foster.com](mailto:milje@foster.com); [kellie@foster.com](mailto:kellie@foster.com); [snydd@foster.com](mailto:snydd@foster.com); [hickc@foster.com](mailto:hickc@foster.com)  
 5 John Degnan Munding at [munding@crumb-munding.com](mailto:munding@crumb-munding.com); [brittany@crumb-munding.com](mailto:brittany@crumb-munding.com)  
 6 John M. Hughes at [john.hughes@bartlit-beck.com](mailto:john.hughes@bartlit-beck.com)  
 7 Julia B Strickland at [jstrickland@stroock.com](mailto:jstrickland@stroock.com); [tmitchell@stroock.com](mailto:tmitchell@stroock.com); [lacalendar@stroock.com](mailto:lacalendar@stroock.com)  
 8 Kelly P Corr at [kcorr@correronin.com](mailto:kcorr@correronin.com); [dpatterson@correronin.com](mailto:dpatterson@correronin.com); [reception@correronin.com](mailto:reception@correronin.com)  
 9 Kenneth P Herzinger at [kherzinger@orrick.com](mailto:kherzinger@orrick.com)  
 10 Kevin Daniel O'Rourke at [kevin@southwellorourke.com](mailto:kevin@southwellorourke.com)  
 11 Kim D Stephens at [kstephens@tousley.com](mailto:kstephens@tousley.com); [bkinsey@tousley.com](mailto:bkinsey@tousley.com)  
 12 Leslie R Weatherhead at [lwlbertas@aol.com](mailto:lwlbertas@aol.com); [emilyr@wkdtlaw.com](mailto:emilyr@wkdtlaw.com); [janetj@wkdtlaw.com](mailto:janetj@wkdtlaw.com)  
 13 Lester C Houtz at [lester.houtz@bartlit-beck.com](mailto:lester.houtz@bartlit-beck.com); [anne.doyle@bartlit-beck.com](mailto:anne.doyle@bartlit-beck.com)  
 14 Mark Roth at [mark@golbeckroth.com](mailto:mark@golbeckroth.com)  
 15 Mary D Manesis at [mmanesis@stroock.com](mailto:mmanesis@stroock.com); [cdusi@stroock.com](mailto:cdusi@stroock.com)  
 16 Meredith Moss at [mmoss@orrick.com](mailto:mmoss@orrick.com)  
 17 Paul H Trinchero at [ptrichero@grebb.com](mailto:ptribchero@grebb.com)  
 18 Peter Jennings Grabicki at [pig@randanco.com](mailto:pig@randanco.com); [scc@randanco.com](mailto:scc@randanco.com); [nlg@randanco.com](mailto:nlg@randanco.com)  
 19 Philip S Beck at [anne.doyle@bartlit-beck.com](mailto:anne.doyle@bartlit-beck.com); [susan.dandrea@bartlit-beck.com](mailto:susan.dandrea@bartlit-beck.com)  
 20 Richard M Heimann at [rheimann@lchb.com](mailto:rheimann@lchb.com); [lsimms@lchb.com](mailto:lsimms@lchb.com)  
 21 Robert J Nelson at [rnelson@lchb.com](mailto:rnelson@lchb.com)  
 22 Ronald L Berenstain at [rberenstain@perkinscoie.com](mailto:rberenstain@perkinscoie.com); [jstarr@perkinscoie.com](mailto:jstarr@perkinscoie.com)  
 23 Stellman Keehn at [stellman.keechnel@dlapiper.com](mailto:stellman.keechnel@dlapiper.com); [nina.marie@dlapiper.com](mailto:nina.marie@dlapiper.com)  
 24 Stephen M Rummage at [steverummage@dwt.com](mailto:steverummage@dwt.com); [jeannecadley@dwt.com](mailto:jeannecadley@dwt.com)  
 25 Steve W Berman at [steve@hbsslaw.com](mailto:steve@hbsslaw.com); [carrie@hbsslaw.com](mailto:carrie@hbsslaw.com); [heatherw@hbsslaw.com](mailto:heatherw@hbsslaw.com)  
 26 Steven Fogg at [sfogg@correronin.com](mailto:sfogg@correronin.com); [hpowell@correronin.com](mailto:hpowell@correronin.com)

PLTFS' MOTION IN LIMINE TO PRECLUDE EVIDENCE  
 AND ARGUMENT CONCERNING INDIVIDUALIZED  
 ISSUES OF THE CLASS REPRESENTATIVES - 4 of 5

(cv-04-025-FVS)

[1460656 v4.doc]

1 Timothy L Filer at filet@foster.com; howej@foster.com  
2 Tyler S Weaver at tyler@hbsslaw.com; bonnelym@hbsslaw.com;  
3 jeniphr@hbsslaw.com

4  


5 Legal Assistant to:  
6 F. Mike Shaffer, WSBA No. 18669  
7 Bradley B. Jones, WSBA No. 17197  
8 Kenneth G. Kieffer, WSBA No. 10850  
9 John C. Guadnola, WSBA No. 08636  
GORDON THOMAS HONEYWELL LLP  
1201 Pacific Avenue Suite 2100  
Tacoma WA 98402  
253-620-6500  
253-620-6565  
Co-Lead Counsel for Lead Plaintiffs

20  
21  
22  
23  
24  
25 PLTFS' MOTION IN LIMINE TO PRECLUDE EVIDENCE  
26 AND ARGUMENT CONCERNING INDIVIDUALIZED  
ISSUES OF THE CLASS REPRESENTATIVES - 5 of 5

(CV-04-025-FVS)  
[1460656 v4.doc]

LAW OFFICES  
GORDON THOMAS HONEYWELL LLP  
1201 PACIFIC AVENUE, SUITE 2100  
POST OFFICE BOX 1157  
TACOMA, WASHINGTON 98401-1157  
(253) 620-6500 - FACSIMILE (253) 620-6565

## **PROPOSED ORDER**

**PROPOSED ORDER**

1 THE HONORABLE FRED VAN SICKLE

2 F. MIKE SHAFFER, WSBA No. 18669  
 3 BRADLEY B. JONES, WSBA NO. 17197  
 4 KENNETH G. KIEFFER, WSBA No. 10850  
 5 JOHN C. GUADNOLA, WSBA No. 08636  
 6 GORDON THOMAS HONEYWELL LLP  
 7 1201 Pacific Avenue, Suite 2100  
 8 Tacoma WA 98402-4314  
 9 253-620-6500

10 STEVE W. BERMAN, WSBA No. 12536  
 11 TYLER S. WEAVER, WSBA No. 29413  
 12 JENIPHR BRECKENRIDGE, WSBA No. 21410  
 13 ERIN K. FLORY, WSBA No. 16631  
 14 HAGENS BERMAN SOBOL SHAPIRO LLP  
 15 1918 8<sup>th</sup> Avenue, Suite 3300  
 16 Seattle, WA 98101  
 17 206-623-7292

18 Attorneys for Plaintiffs

19 UNITED STATES DISTRICT COURT  
 20 EASTERN DISTRICT OF WASHINGTON

21 In re METROPOLITAN SECURITIES  
 22 LITIGATION

23 NO. CV-04-025 FVS

24 CLASS ACTION

25 THIS DOCUMENT RELATES TO:  
 26 ALL ACTIONS

[PROPOSED] ORDER GRANTING  
 PLAINTIFFS' MOTION /N LIMINE TO  
 PRECLUDE EVIDENCE AND  
 ARGUMENT CONCERNING  
 INDIVIDUALIZED ISSUES OF THE  
 CLASS REPRESENTATIVES

27 Trial Date: March 15, 2010

28 This matter comes before the Court on Plaintiffs' Motion in Limine to  
 29 Preclude Evidence and Argument Concerning Individualized Issues of the

30 [PROPOSED] ORDER RE: MTN IN LIMINE TO  
 31 PRECLUDE EVIDENCE AND ARGUMENT  
 32 CONCERNING INDIVIDUALIZED ISSUES OF CLASS  
 33 REPRESENTATIVES - 1 of 3

34 (CV-04-025-FVS)  
 35 [1460599 v4.doc]

36 LAW OFFICES  
 37 GORDON THOMAS HONEYWELL LLP  
 38 1201 PACIFIC AVENUE, SUITE 2100  
 39 POST OFFICE BOX 1157  
 40 TACOMA, WASHINGTON 98401-1157  
 41 (253) 620-6500 - FACSIMILE (253) 620-6565

Class Representatives. Having considered the following submittals to the Court:

**1. Plaintiffs' Motion in Limine to Preclude Evidence and Argument Concerning Individualized Issues of the Class Representatives;**

2. PwC's Opposition to Plaintiffs' Motion in Limine to Preclude Evidence and Argument Concerning Individualized Issues of the Class Representatives;

3.

4.

5.

And the Court being otherwise fully advised hereby ORDERS that Plaintiffs' Motion in Limine to Preclude Evidence and Argument Concerning Individualized Issues of the Class Representatives is hereby **GRANTED**.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of March 2010.

Honorable Fred Van Sickle  
United States District Judge

Presented by:

By s/ Bradley B. Jones

Bradley B. Jones, WSBA No. 17197  
Kenneth G. Kieffer, WSBA No. 10850  
John C. Guadnola, WSBA No. 08636  
Attorneys for Plaintiffs

[PROPOSED] ORDER RE: MTN IN LIMINE TO  
PRECLUDE EVIDENCE AND ARGUMENT  
CONCERNING INDIVIDUALIZED ISSUES OF CLASS  
REPRESENTATIVES - 2 of 3

(CV-04-025-FVS)  
[1460599 v4.doc]

1 HAGENS BERMAN SOBOL SHAPIRO LLP  
2

3 By \_\_\_\_\_  
4 Steve W. Berman, WSBA No. 12536  
Jeniphr Breckenridge, WSBA No. 21410  
Tyler S. Weaver, WSBA No. 29413  
5 Attorneys for Plaintiffs  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

[PROPOSED] ORDER RE: MTN IN LIMINE TO  
PRECLUDE EVIDENCE AND ARGUMENT  
CONCERNING INDIVIDUALIZED ISSUES OF CLASS  
REPRESENTATIVES - 3 of 3

(CV-04-025-FVS)  
[1460599 v4.doc]

LAW OFFICES  
GORDON THOMAS HONEYWELL LLP  
1201 PACIFIC AVENUE, SUITE 2100  
POST OFFICE BOX 1157  
TACOMA, WASHINGTON 98401-1157  
(253) 620-6500 - FACSIMILE (253) 620-6565